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15 BECTON, DICKINSON AND COMPANY

16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA

18 GEN-PROBE INCORPORATED,
19 Plaintiff and
20 Counterdefendant,

21 v.

22 BECTON, DICKINSON AND
COMPANY,

23 Defendant and
24 Counterclaimant.

25 AND RELATED COUNTERCLAIMS
26
27
28

Case No. 09-CV-2319 BEN (NLS)
Case No. 10-CV-0602 BEN (NLS)

**JOINT MOTION TO SET BRIEFING
SCHEDULE FOR PRE-TRIAL
EVIDENTIARY MOTIONS**

Date: November 6, 2012
Time: 9:00 a.m.
Judge: Roger T. Benitez
Courtroom: 3

Pursuant to the Court's request for a proposed briefing schedule for the parties' pre-trial *Daubert* motions and motions *in limine*, Plaintiff Gen-Probe Incorporated ("Gen-Probe") and Defendant Becton, Dickinson and Company ("BD") hereby jointly move the Court to set a the following schedule:

1. The parties will serve and file any *Daubert* motions and motions *in limine* on **Tuesday, October 9, 2012.**

2. Oppositions to the motions will be served and filed on **Tuesday, October 23, 2012.**

3. Reply briefs in support of the motions will be served and filed on **Tuesday, October 30, 2012.**

This schedule assumes the Court's availability to hear argument on these motions on Tuesday, November 6, 2012. Based upon that hearing date, the above briefing schedule is in accord with Local Rule 7.1(e).

Respectfully submitted,

Dated: September 19, 2012

LATHAM & WATKINS LLP

By /s/ Alexander Long

Attorneys for Plaintiff/Counterdefendant
GEN-PROBE INCORPORATED

Dated: September 19, 2012

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By /s/ Richard Mulloy

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